

**SC-100**

**Plaintiff's Claim and ORDER  
to Go to Small Claims Court**

**Notice to the person being sued:**

- You are the defendant if your name is listed in ② on page 2 of this form. The person suing you is the plaintiff, listed in ① on page 2.
- You and the plaintiff must go to court on the trial date listed below. If you do not go to court, you may lose the case.
- If you lose, the court can order that your wages, money, or property be taken to pay this claim.
- Bring witnesses, receipts, and any evidence you need to prove your case.
- Read this form and all pages attached to understand the claim against you and to protect your rights.

**Aviso al Demandado:**

- Usted es el Demandado si su nombre figura en ② de la página 2 de este formulario. La persona que lo demanda es el Demandante, la que figura en ① de la página 2.
- Usted y el Demandante tienen que presentarse en la corte en la fecha del juicio indicada a continuación. Si no se presenta, puede perder el caso.
- Si pierde el caso la corte podría ordenar que le quiten de su sueldo, dinero u otros bienes para pagar este reclamo.
- Lleve testigos, recibos y cualquier otra prueba que necesite para probar su caso.
- Lea este formulario y todas las páginas adjuntas para entender la demanda en su contra y para proteger sus derechos.

**Order to Go to Court**

**The people in ① and ② must go to court on:** (Clerk fills out section below)

<b>Trial Date</b>	<b>Date</b>	<b>Time</b>	<b>Department</b>	<b>Name and address of court if different from above</b>
1.	06/27/2017	09:00 AM	511	24405 Amador Street, Hayward
2.				
3.				

Date: 02/17/2017 Clerk by, Kashu Shee digital, Deputy

**Instructions for the person suing:**

- You are the plaintiff. The person you are suing is the defendant.
- Before you fill out this form, read Form SC-100-INFO, *Information for the Plaintiff*, to know your rights. Get SC-100-INFO at any courthouse or county law library, or go to [www.courts.ca.gov/smallclaims/forms](http://www.courts.ca.gov/smallclaims/forms).
- Fill out pages 2 and 3 of this form. Then make copies of all pages of this form. (Make one copy for each party named in this case and an extra copy for yourself.) Take or mail the original and these copies to the court clerk's office and pay the filing fee. The clerk will write the date of your trial in the box above.
- You must have someone at least 18—not you or anyone else listed in this case—give each defendant a court-stamped copy of all five pages of this form and any pages this form tells you to attach. There are special rules for “serving,” or delivering, this form to public entities, associations, and some businesses. See Forms SC-104, SC-104B, and SC-104C.
- Go to court on your trial date listed above. Bring witnesses, receipts, and any evidence you need to prove your case.

Clerk stamps date here when form is filed.

ENDORSED  
FILED  
ALAMEDA COUNTY

FEB 17 2017

CLERK OF THE SUPERIOR COURT

By H. Ghee Deputy

Fill in court name and street address:

Superior Court of California, County of Alameda  
Rene C. Davidson Alameda County Courthouse  
1225 Fallon Street  
Oakland, CA 94612

Clerk fills in case number and case name:

Case Number:

RS17850210

Case Name:

Pritchard Manning VS Sears Home Improvement

Plaintiff (list names): Linda S. Pritchard Manning

Case Number:  
**RS17850210**

**① The plaintiff (the person, business, or public entity that is suing) is:**

Name: Linda S. Pritchard Manning

Phone: (510) 560-2199

Street address: 2104 92nd Ave.

Oakland

CA

94603

Street

City

State

Zip

Mailing address (if different):

Street

City

State

Zip

**If more than one plaintiff, list next plaintiff here:**

Name:

Phone:

Street address:

Street

City

State

Zip

Mailing address (if different):

Street

City

State

Zip

- ☐ Check here if more than two plaintiffs and attach Form SC-100A.
- ☐ Check here if either Plaintiff listed above is doing business under a fictitious name. If so, attach Form SC-103.
- ☐ Check here if any Plaintiff is a "licensee" or "deferred deposit originator" (payday lender) under Financial Code sections 23000 et seq.

**② The defendant (the person, business, or public entity that is being sued) is:**

Name: Sears Home Improvement

Phone: (800) 222-5031

Street address: 1024 Florida Central Parkway

Longwood

FL

32750

Street

City

State

Zip

Mailing address (if different):

Street

City

State

Zip

**If the defendant is a corporation, limited liability company, or public entity, list the person or agent authorized for service of process here:**

Name:

Job title, if known:

Address:

Street

City

State

Zip

- ☒ Check here if your case is against more than one defendant, and attach form SC-100A..
- ☐ Check here if any defendant is on active military duty, and write his or her name here: \_\_\_\_\_

**③ The plaintiff claims the defendant owes \$ 1,539.00. (Explain below):**

a. Why does the Defendant owe the plaintiff money?

**Was installed in for a heater /coil that was installed upside down.**

b. When did this happen? (Date): Jan 28, 2016

If no specific date, give the time period: Date started: \_\_\_\_\_ Through: \_\_\_\_\_

c. How did you calculate the money owed to you? (Do not include court costs or fees for service.) I called several numbers in their contract and never received full concern about the problem, and told me that wasn't going to remove the heater.

- ☒ Check here if you need more space. Attach one sheet of paper or Form MC-031 and write "SC-100, Item 3" at the top.

Plaintiff (list names): Linda S. Pritchard Manning

Case Number:

RS17850210

- ④ You must ask the defendant (in person, in writing, or by phone) to pay you before you sue. If your claim is for possession of property, you must ask the defendant to give you the property.

Have you done this? ☒ Yes ☐ No

If no explain why not:

- ⑤ Why are you filing your claim at this courthouse?

This courthouse covers the area (check the one that applies):

- a. ☒ (1) Where the Defendant lives or does business. (4) Where a contract (written or spoken) was made, signed, performed, or broken by the Defendant or where the Defendant lived or did business when the Defendant made the contract.  
☒ (2) Where the plaintiff's property was damaged.  
☐ (3) Where the plaintiff was injured.
- b. ☐ Where the buyer or lessee signed the contract, lives now, or lived when the contract was made, if this claim is about an offer or contract for personal, family, or household goods, services, or loans. (Code Civ. Proc., § 395(b).)
- c. ☒ Where the buyer signed the contract, lives now, or lived when the contract was made, if this claim is about a retail installment contract (like a credit card). (Civil Code, § 1812.10)
- d. ☐ Where the buyer signed the contract, lives now, or lived, when the contract was made, or where the vehicle is permanently garaged, if this claim is about a vehicle finance sale. (Civil Code, § 2984.4)
- e. ☒ Other (specify): I received a contract of 30 or more pages, 7 days after the installation.

- ⑥ List the zip code of the place checked in ⑤ above (if you know): 94603

- ⑦ Is your claim about an attorney-client fee dispute? ☐ Yes ☒ No

If yes, and if you have had arbitration, fill out Form SC-101, attach it to this form and check here: ☐

- ⑧ Are you suing a public entity? ☐ Yes ☒ No

If yes, you must file a written claim with the entity first. ☐ A claim was filed on (date):

If the public entity denies your claim or does not answer within the time allowed by law, you can file this form.

- ⑨ Have you filed more than 12 other small claims within the last 12 months in California?

☐ Yes ☒ No If yes, the filing fee for this case will be higher.

- ⑩ Is your claim for more than \$2500? ☐ Yes ☒ No

If yes, I have not filed, and understand that I cannot file, more than two small claims cases for more than \$2500 in California during this calendar year.

- ⑪ I understand that by filing a claim in small claims court, I have no right to appeal this claim.

I declare, under penalty of perjury under California State law, that the information above and on any attachments to this form is true and correct.

Date: 02/17/2017

Linda S. Pritchard Manning

Signature on File

Date:

Plaintiff types or prints name here

Plaintiff signs here

Second plaintiff types or prints name here

Second plaintiff signs here



**Requests for Accommodations**

Assistive listening systems, computer-assisted, real-time captioning, or sign language interpreter services are available if you ask at least five days before the trial. Contact the clerk's office for Form MC-410, Request for Accommodations by Persons With Disabilities and Response. (Civ. Code, § 54.8.)



**Superior Court of California**  
*County of Alameda*

Superior Court of California, County of Alameda  
Rene C. Davidson Alameda County Clerk  
1225 Fallon Street  
Oakland, CA 94612

Receipt Nbr: 713840  
Clerk: kghee  
Date: 02/22/2017

*891-6003*

Type	Case Number	Description	Amount
Filing	RS17850210	Claim of Plaintiff	\$50.00

Total Amount Due: \$50.00  
Prior Payment:  
Current Payment: \$50.00  
Balance Due: \$.00  
Overage:  
Excess Fee:  
Change:

Payment Method:  
Cash:  
Check: \$50.00



Superior Court of California

Superior Court of California, County of Alameda  
Rene C. Davidson Alameda County Courthouse  
1225 Fallon Street  
Oakland, CA 94612

Receipt Nbr: 715192  
Clerk: lbuffin  
Date: 03/07/2017

Type	Case Number	Description	Amount
Service	RS17850210	2 Certified Mail Request(s) Linda S	\$30.00

Total Amount Due: \$30.00  
Prior Payment:  
Current Payment: \$30.00  
Balance Due: \$.00  
Overage:  
Excess Fee:  
Change:

Payment Method:  
Cash:  
Check: \$30.00

**ILA D. HARRIS**  
Attorney General

State of California  
**DEPARTMENT OF JUSTICE**



**PUBLIC INQUIRY UNIT**  
P.O. BOX 944255  
SACRAMENTO, CA 94244-2550  
(916) 322-3360  
TOLL FREE: (800) 952-5225  
TTY: CA Relay Service  
(800) 735-2922

March 22, 2016

Mrs. Linda Pritchard  
2104 92nd Avenue  
Oakland, CA 94603-1809

RE: Sears, Roebuck And Company - PIU #685022  
YEP Energy also DBA North Star Gas Company, LLC - PIU #685023

Dear Mrs. Linda Pritchard:

Thank you for bringing your consumer complaints to the Office of the Attorney General. Your complaints are valuable to us as they alert our office to consumer problems that might not otherwise be brought to our attention.

Whenever possible, we attempt to establish better lines of communication among the parties involved in a consumer dispute. We will write to each of the companies against which you have lodged a complaint and request a response from each of them regarding your concerns. This procedure is an attempt to resolve the dispute between you and the company. In many cases, the consumer and the company will reach a mutually satisfactory agreement as a result of our efforts.

We do want to inform you, however, that our office is prohibited by law from representing individual citizens in legal matters. We do, within the limits of our resources, bring lawsuits for violations of California law in cases of statewide significance. However, our role in any legal action against a company is on behalf of all of the people of California.

We will retain your consumer complaints in our files because at some future date, legal action could be taken against one or both of these companies by our office. If legal action is taken against one or both of these companies named in your complaints, your complaints could be utilized as important evidence and provide vital documentation for our use on behalf of all California consumers' interests.

Hopefully, our correspondence to each of the companies named in your complaints will lead to a satisfactory resolution of your concerns. If not, you may wish to contact private legal counsel to advise you of other possible remedies.

Again, thank you for writing the Office of the Attorney General.

Sincerely,

Melissa Nelson  
Public Inquiry Unit

For **KAMALA D. HARRIS**  
Attorney General